

**MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

STATE OF MISSOURI

v.
JAMEY L. RICHARDS

RESPONDENT,

APPELLANT.

DOCKET NUMBER WD70019

DATE: December 29, 2009

Appeal From:

Boone County Circuit Court
The Honorable Clifford E. Hamilton, Jr., Judge

Appellate Judges:

Division Four: Thomas H. Newton, Chief Judge, Lisa White Hardwick and Cynthia L. Martin,
Judges

Attorneys:

Rosalynn Koch, Columbia, MO, for appellant.

Shaun J. Mackelprang and John W. Grantham, Jefferson City, MO, for respondent.

MISSOURI APPELLATE COURT OPINION SUMMARY

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STATE OF MISSOURI,

v.
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No. WD70019

Boone County

Before Division Four Judges: Thomas H. Newton, Chief Judge, Lisa White Hardwick and
Cynthia L. Martin, Judges

Jamey Richards appeals his conviction for attempted stealing following a jury trial. Richards contends that the trial court erred in failing to include the legal definition of the word "deprive" in the verdict director for attempted stealing, as that legal definition is an essential element to be found by the jury in the verdict director for the completed offense of stealing without consent.

REVERSED AND REMANDED.

Division Four holds:

(1) MAI-CR 3d 304.06, Notes on Use 4 requires a mandatory definition that appears in a verdict directing form for the object crime, whether set out separately or incorporated as an essential element, to be included in the verdict directing form for attempt to commit the object crime. Thus, the legal definition of "deprive" must be included in the verdict director for attempted stealing.

(2) The trial court's failure to include the legal definition of "deprive" in the verdict director, which would have required the jury to find the facts necessary to constitute the essential substantial step element, was prejudicial error.

Opinion by: Cynthia L. Martin, Judge

December 29, 2009

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